

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: September 14, 2016

SUBJECT: REPORT OF THE JULY 20, 2016 LAND USE AND DEVELOPMENT COMMITTEE MEETING: 1. AN ORDINANCE AMENDING CHAPTER 142 OF THE CITY CODE AS IT PERTAINS TO ALCOHOLIC BEVERAGE ESTABLISHMENTS ON THE WEST SIDE OF ALTON ROAD AND THE SOUTH SIDE OF 17TH STREET. 2. UPDATE ON THE TRANSIT HUB ON THE 500 BLOCK OF ALTON ROAD. 3. DISCUSSION REGARDING EXPLORING LIMITING PACKAGE STORE ALCOHOL SALES TO NO EARLIER THAN 10:00 A.M., AS RECOMMENDED BY THE MIAMI BEACH HOMELESS COMMITTEE. 4. DISCUSSION REGARDING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO ESTABLISH MORE AGGRESSIVE REQUIREMENTS FOR EMPLOYEE TRANSPORTATION PLANS. 5. DISCUSSION REGARDING POTENTIAL ORDINANCE AMENDMENT ADDRESSING FURTHER RESTRICTIONS ON ILLEGAL SHORT TERM RENTALS (STR) IN SUITE- AND CONDO-HOTELS. 6. DISCUSSION REGARDING AN AMENDMENT TO THE WEST AVENUE OVERLAY TO REMOVE THE CURRENT ALLOWANCE FOR BED AND BREAKFAST AND SUITE HOTEL USES. 7. DISCUSSION REGARDING AMENDING CHAPTER 114 PROHIBITING PACKAGE STORES IN THE MXE DISTRICT. 8. AMENDMENT TO SEC. 118-394 OF THE CITY CODE TO EXPAND AND BETTER DEFINE THE DISCONTINUANCE PROCEDURES FOR LEGAL NON-CONFORMING USES.

ANALYSIS

A Land Use and Development Committee meeting was held on July 20, 2016. Land Use Committee Members in attendance were Commissioners Joy Malakoff, Michael Grieco, and John Elizabeth Aleman. Members from the Administration, including, Susanne Torriente, Eve Boutsis, Nick Kallergis, Michael Belush, Carmen Sanchez, Maria Ruiz, and Rogelio Madan, as well as members of public, were also in attendance. Please see the attached sign-in sheet.

The meeting was called to order at 2:11 PM.

1. An Ordinance Amending Chapter 142 Of The City Code As It Pertains To Alcoholic Beverage Establishments On The West Side Of Alton Road And The

South Side Of 17th Street.

(Continued from the June 15, 2016 LUDC Meeting
Sponsored by Commissioner Joy Malakoff
May 11, 2016 City Commission Meeting, Item R5F)

AFTER-ACTION:

Michael Belush introduced the item and proposed modification to the ordinance as recommended by Commissioner Malakoff.

The modifications include:

- Clarifying that the existing restrictions and requirements regarding dance halls on Lincoln Road would be expanded to the properties specified south of 17th street.
- Require that any entertainment establishment include double vestibule doors with the exception of emergency exits.

Members of the public addressed the committee.

MOTION: JAMG (3-0)

Recommend approval of the item as amended and that the matter be referred by the City Commission to the Planning Board

2. Update On The Transit Hub On The 500 Block Of Alton Road.

(Continued from the May 18, 2016 LUDC Meeting
Sponsored by Commissioner Ricky Arriola
April 13, 2016 City Commission Meeting, Item C4Q)

MOTION: Continued to September 21, 2016 by Acclamation.

3 . Discussion Regarding Exploring Limiting Package Store Alcohol Sales To No Earlier Than 10:00 a.m., As Recommended By The Miami Beach Homeless Committee.

(Continued from the June 15, 2016 LUDC Meeting
Sponsored by Commissioner Joy Malakoff
June 8, 2016 City Commission Meeting, Item C4X)

AFTER-ACTION:

Commissioner Malakoff introduced the item.

Maria Ruiz described the impacts of early morning liquor sales on the homeless population.

Members of the public addressed the committee.

Commissioner Malakoff described issues related to the sale of single cans of beer.

Commissioner Grieco suggested implementing the ordinance in a limited geographic area where issues related to homelessness are more prominent.

Commissioner Aleman expressed doubts that the proposal would solve issues related to homelessness.

Valerie Navarrete described the concerns of the Homeless Committee.

Commissioner Malakoff expressed support for the prohibiting the sale of liquor at package stores within the hours of 7:00 and 10:00 am in the MXE District and along Washington Avenue between 5th Street and Lincoln Road.

MOTION: MG/JA(3-0)

Continue the item to September 21, 2016 and direct the administration to prepare an ordinance that includes geographic restrictions and require an assessment within a year of implementation.

4. Discussion Regarding The Recommendation Of The Neighborhood/Community Affairs Committee To Establish More Aggressive Requirements For Employee Transportation Plans.

(Continued from the June 15, 2016 LUDC Meeting
Sponsored by City Commission
June 8, 2016 City Commission Meeting, Item R7X)

MOTION: Continued to September 21, 2016 by Acclamation.

5. Discussion Regarding Potential Ordinance Amendment Addressing Further Restrictions On Illegal STR's In Suite- And Condo-Hotels.

(Sponsored by Commissioner Michael Grieco
July 13, 2016 City Commission Meeting, Item C4K)

AFTER-ACTION:

Commissioner Grieco introduced the item.

Members of the public addressed the committee.

Commissioner Grieco stated that the internet and technology has changed the tourism industry and that condominium documents and state regulations have not kept up.

Eve Boutsis stated that Aleksandr Boksner would be taking the lead on the drafting on the ordinance.

MOTION: Continued to September 21, 2016 by Acclamation.

6 . Discussion Regarding An Amendment To The West Avenue Overlay To Remove The Current Allowance For Bed And Breakfast And Suite Hotel Uses.

(Sponsored by Commissioner Joy Malakoff
July 13, 2016 City Commission Meeting, Item C4L)

AFTER-ACTION:

Michael Belush introduced the item.

Commissioner Aleman identified that the Overlay incorporated the Gilbert Fein Neighborhood Conservation District (NCD).

Commissioner Malakoff described the purpose of the Gilbert Fein NCD. Commissioner Aleman expressed concerns that property owners have with redevelopment within the NCD and that the removal of an allowed use may further restrict them. Commissioner Malakoff requested that the Planning Department analyze alternatives for adaptive reuse of low-scale office and what properties have taken advantage of the bed and breakfast use.

MOTION: Continued to September 21, 2016 and direct the Administration to provide additional information on the number of suite hotel, bed & breakfast and office conversions in the area, by Acclamation.

7. Discussion Regarding Amending Chapter 114 Prohibiting Package Stores in the MXE District.

(Sponsored by Commissioner Ricky Arriola
July 13, 2016 City Commission Meeting, Item C4I)

AFTER-ACTION:

Commissioner Malakoff introduced the item.
Commissioner Grieco described how Miami Beach allowed for greater concentrations of package stores than many other jurisdictions and described additional limitations that should be incorporated for package stores.
Commissioner Malakoff described the need to limit chain stores within the area.

MOTION: Continued to September 21, 2016 by Acclamation.

8. Amendment To Sec. 118-394 Of The City Code To Expand And Better Define The Discontinuance Procedures For Legal Non-Conforming Uses.

(Sponsored by Commissioner Michael Grieco
July 13, 2016 City Commission Meeting, Item R5I)

AFTER-ACTION:

Commissioner Grieco introduced the item.
Commissioner Grieco expressed concerns over the short timeframe provided by the city for the discontinuance of legal non-conforming uses; siting issues such as an "act of God" which may not be given sufficient time to reopen.
Commissioner Malakoff expressed concerns with granting sites with legal conforming status. Commissioner Aleman expressed concerns with modifying property rights, and that a use, as opposed to a particular tenant should be the primary concern when determining property rights.
Members of the public addressed the committee.
Commissioner Grieco stated that he would not be moving forward on a south of fifth alcohol amendment until the issues related to non-conforming use were settled.

MOTION: Continued to September 21, 2016 by Acclamation.

The meeting adjourned at 4:00 p.m.

Legislative Tracking
Planning

ATTACHMENTS:

Description

- ▣ Sign-in Sheet

LAND USE AND DEVELOPMENT COMMITTEE MEETING
July 20, 2016
City Commission Chambers

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. DAVID KEESBY			@
2. James Rauch	305 798 7291	yes	James.Rauch @ gmail.com
3. TERRY L. GIBSON	305-674-1300	yes	Terry @ m.m. davis.com
4. Michael Goldner	305-468-0414	yes	Michael Goldner @ Gibraltar.com
5. Michael (MUNE)	305-673-8525	yes	Michael.Mune @ Gibraltar.com
6. Yannick Van Thien	305 600 0219	yes	IV @ LBBB.com
7. Valerie Novack	386-546-2422	yes	VAL-NOV @ yahoo.com
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